

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 10/092,297

REMARKS

Upon entry of the Amendment, claims 1-14 are all the claims pending in the application.

Claims 15 and 16 have been cancelled.

Applicants' Information Disclosure Statement filed March 7, 2002, does not appear to have been considered. Therefore, it is respectfully requested that the Examiner consider Applicants' Information Disclosure Statement and forward an initialed copy of the PTO form 1449.

A Declaration Under 37 C.F.R. § 1.132 is being filed herewith.

An Amendment To Correct Inventorship Under 37 C.F.R. § 1.48(b) is being filed herewith, correcting the inventorship of the remaining claims 1-14 in the application.

Claims 1-16 are rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. patent 6,416,845 ("Kume").

Claims 1-16 are further rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,416,845 ("Kume") in view of U.S. Patent 6,495,295 ("Shioda").

In response, Applicants have canceled claims 15 and 16 and have submitted a Declaration Under 37 C.F.R. § 1.132. As set forth in the attached Declaration, Messrs. Kume and Okazaki are the inventors of both Kume and the subject matter of claims 1-14 of the present invention. The primary reference, Kume, therefore, is not a patent or application "by another," as required under §102(c), because the inventive entity is the same for both Kume and the pending claims. Therefore, the present claims are patentable in view of Kume. Further, although it is not necessary for patentability in view of the attached Declaration, it appears that Kume and the

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present invention were subject to common ownership or assignment at the time of invention, having the effect of disqualifying Kume as prior art pursuant to 35 U.S.C. § 103(c). In view of the above, it is respectfully requested that the rejections be reconsidered and withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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